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Security Council

Distr.
GENERAL

S/25268
10 February 1993
ENGLISH
ORIGINAL: SPANISH

NOTE VERBALE DATED 10 FEBRUARY 1993 FROM THE PERMANENT MISSION OF COLOMBIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Colombia to the United Nations presents its compliments to the Secretary-General of the United Nations and, with regard to the information requested in connection with the implementation of Security Council resolution 778 (1992), has the honour to inform him that the Office of the Bank Superintendent has received most of the replies from the bodies in question on the basis of the instructions set out in document S/25223. The replies indicate no balances or deposits with the said bodies which represent the proceeds of the sale of Iraqi petroleum or petroleum products, paid by or on behalf of the purchaser on or after 6 August 1990.

Notwithstanding the above, if any financial or insurance body should subsequently indicate any change in this regard, the Secretary-General will be informed immediately.

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Security Council

Distr.
GENERAL

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ORIGINAL: ENGLISH

LETTER DATED 9 FEBRUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF DENMARK TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the text in English of a statement issued by the European Community and its member States on 9 December 1992 concerning paragraph 29 of Security Council resolution 687 (1991).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Bent HAAKONSEN
Permanent Representative

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Annex

Statement concerning paragraph 29 of Security Council resolution 687 (1991)

On 7 December 1992, the Foreign Affairs Council approved a Council regulation prohibiting the satisfying of Iraqi claims with regard to contracts and transactions whose performance was affected by United Nations Security Council resolution 661 (1990) and related resolutions.

The Community and its member States note with concern Iraq's persistent failure to comply with its obligations under Security Council resolution 687 (1991) and other relevant resolutions of the United Nations Security Council. The Community and its member States underline the importance of paragraph 29 of Security Council resolution 687 (1991) and agree that Iraq must comply in full with the provisions of paragraph 29 of Security Council resolution 687 (1991), whether by legislation or by renouncing claims, returning bonds cancelled to their originators or otherwise releasing parties to contracts and transactions from obligations under them. The Community and its member States consider that, in deciding whether to reduce or lift measures taken against Iraq, pursuant to paragraph 21 of Security Council resolution 687 (1991), particular account must be taken of any failure by Iraq to comply with paragraph 29 of the same resolution. Iraq should not expect such measures to be reduced or lifted in the absence of full compliance with paragraph 29.

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Distr.
GENERAL

S/25270
10 February 1993
ENGLISH
ORIGINAL: ENGLISH/FRENCH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

After consultations of the Security Council, held on 10 February 1993, the President of the Council made the following statement to the media on behalf of the members of the Council:

"The members of the Security Council have heard a report from the Chairman of the Committee established by resolution 724 (1991) about the detention of Romanian vessels on the Danube by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

"They have learned that the Minister of Transport of the Federal Republic of Yugoslavia (Serbia and Montenegro) has threatened to detain more Romanian vessels if Romania does not allow the passage of Yugoslav vessels on the Danube. They have also learned that the Minister for Foreign Affairs of the Federal Republic of Yugoslavia (Serbia and Montenegro) has addressed a letter to the Chairman of the Committee established by resolution 724 (1991) informing him that the Romanian vessels would be released without further delay, which according to information provided by the Chargé d'affaires of the Permanent Mission of Romania to the United Nations has not yet happened.

"The members of the Council recall their statement of 28 January 1993 (S/25190) about the responsibility of States to enforce mandatory Security Council resolutions, with particular reference to Yugoslav vessels attempting to violate those resolutions by way of the Danube. They commend the Romanian Government for the action it has since taken in this regard and reaffirm once again their full support for vigorous enforcement of the relevant resolutions.

"They also recall that under Article 103 of the Charter, the obligations of the Members of the United Nations under the Charter prevail over their obligations under any other international agreement.

"The members of the Council condemn any such retaliatory action and threats of such action by the FRY authorities. It is wholly unacceptable

for those authorities to take retaliatory measures in response to action by a State in fulfilment of its obligations under the Charter of the United Nations. They demand that the FRY authorities release forthwith the Romanian vessels they have unjustifiedly detained, and that they desist from further unlawful detentions."